

**Repeal Article II., Section 210.260 and replace with the following:**

**SECTION 210.260:      POSSESSION OF DOMESTIC FOWL**

A. Limitations on Keeping Domestic Fowl

It shall be unlawful for a person, other than a veterinary hospital or pet shop, to keep one or more domestic geese, ducks, chickens or turkeys ("Domestic Fowl") within the City for commercial or resale purposes. Domestic Fowl kept as pets or for domestic egg production must be adequately confined within the private property boundaries of the owner's yard sufficient to prevent their escape therefrom. Any person desiring to keep Domestic Fowl may do so only upon obtaining a permit for same from the City.

B. Permit Required

No person may keep upon his premises any Domestic Fowl except as provided in this Section.

1. Any person desiring to keep any Domestic Fowl within the City shall file with the City's Planning and Development Services Department, a written application for a permit accompanied by a nonrefundable application fee in the amount of fifty dollars (\$50). A permit will be issued after an inspection is completed to determine if the requirements of this Section have been satisfied. Each permit shall be for a term of three (3) years from the date thereof, unless sooner revoked as provided herein. A successive permit for additional periods of three (3) years may be issued through the same procedures for an initial application.
2. Permits granted under this section may not be transferred to a new owner.
3. Notwithstanding any provision herein to the contrary, each property harboring Domestic Fowl which exists before the effective date of this ordinance shall comply with the provisions of this ordinance and obtain a permit within one hundred and twenty (120) days after the effective date of this ordinance.

C. Permit Criteria and Performance Standards

**A permit may be issued if all of the following conditions are satisfied:**

1. Domestic Fowl may only be kept for purely domestic purposes only. No animals or eggs may be sold or given to any person not a resident of the premises where kept.
2. The Domestic Fowl shall be safely and securely confined within a coop or pen surrounded by wire netting or other fence, and a roof to prevent their escape. The Domestic Fowl shall not be

permitted to run at large in or upon the public streets, open lots or private properties of the city, other than that of the owner.

3. The coop or pen shall be maintained in a ventilated, clean, safe and sanitary condition, containing adequate space for humane treatment. The coop or other enclosure shall be maintained in good repair and free of noxious odors.
  4. The coop or pen shall be designed and maintained at all times to effectively prohibit accessibility by predators.
  5. Coops and pens shall be kept only in the rear yard. Coops and pens shall meet all rear and side yard setback requirements for accessory structures in accordance with the zoning district in which the property is located. Coops and pens shall be effectively screened from view by pedestrians at ground level at all times by the use of an opaque fence or landscaping.
  6. Any manure or waste shall be collected and properly removed from the premises or tilled into the soil on the premises promptly and regularly to prevent offensive smells or conditions conducive to diseases.
  7. Food for Domestic Fowl shall be stored in a container which is kept dry and sanitary and in a rodent, insect and leak-proof condition at all times.
  8. No person shall keep Domestic Fowl in a manner so as to create a nuisance as defined in Chapter 220: Nuisances, of the City Code.
  9. The keeping of Domestic Fowl pursuant to a permit issued under this Section shall comply with all ordinances of the City.
  10. By applying for a permit under this Section, the property owner authorizes City Officials at all reasonable times and in a reasonable manner to enter upon and inspect the property with respect to which permit is applied for to determine whether the keeping of Domestic Fowl violates this Section or any other applicable ordinances.
4. Revocation of Permits to Keep Domestic Fowl
1. In addition to any other penalty provided by law for violation of this Section or any other provision of this Code of Ordinances, if the holder of a permit allows any nuisance or unsanitary condition to exist upon the premises, or any violation of this ordinance to exist after notice of violation from the City, then such permit for Domestic Fowl may be disciplined or revoked after hearing, upon a determination by the City Manager or designee that such Domestic Fowl is being maintained in an unsanitary condition, or in violation of this ordinance, any of the conditions or performance standards provided herein, or other applicable laws. All Domestic

Fowl must be disposed of or removed from the City following receipt of notice of revocation after hearing.

2. Any applicant or permit holder aggrieved by a decision of (a) the Planning and Development Services Department in regard to issuance of a permit or (b) the City Manager or designee in regard to discipline or revocation of a permit may appeal the decision to the City Manager within five (5) business days of said decision by filing a written request for reconsideration and appeal setting forth in a thorough and concise manner the decision being appealed and all grounds known to the appellant as to wherein and why the decision is allegedly in error. The City Manager may consider the appeal on the record of the prior decision or may, at the Manager's sole discretion, receive additional evidence in such manner as deemed appropriate in light of the circumstances.

**Amend Article II., Section 220.020 as follows:**

SECTION 220.020:        NUISANCES AFFECTING HEALTH

A.        The following are declared to be nuisances affecting health:

13.        The keeping of animals ~~and fowls~~ (excluding Domestic Fowl) in any area within the City not zoned for agricultural uses except pet cats and dogs, animals in public or licensed zoos, and farm animals in laboratories.